

1 **BATHAEE DUNNE LLP**
2 Yavar Bathaee (CA 282388)
3 yavar@bathaeedunne.com
4 Andrew C. Wolinsky (CA 345965)
5 awolinsky@bathaeedunne.com
6 Allison Watson (CA 328596)
7 awatson@bathaeedunne.com
8 Priscilla Ghiță (*pro hac vice*)
9 pghita@bathaeedunne.com
10 445 Park Avenue, 9th Floor
11 New York, NY 10022
12 Tel.: (332) 322-8835

13 Brian J. Dunne (CA 275689)
14 bdunne@bathaeedunne.com
15 Edward M. Grauman (*pro hac vice*)
16 egrauman@bathaeedunne.com
17 901 South MoPac Expressway
18 Barton Oaks Plaza I, Suite 300
19 Austin, TX 78746
20 Tel.: (213) 462-2772

21 *Interim Co-Lead Counsel for the*
22 *Advertiser Class*

23 **SCOTT+SCOTT ATTORNEYS AT LAW LLP**

24 Amanda F. Lawrence (*pro hac vice*)
25 alawrence@scott-scott.com
26 Patrick J. McGahan (*pro hac vice*)
27 pmcgahan@scott-scott.com
28 Michael P. Srodoski (*pro hac vice*)
msrodoski@scott-scott.com
156 South Main Street, P.O. Box 192
Colchester, CT 06415
Tel.: (860) 537-5537

Patrick J. Coughlin (CA 111070)
pcoughlin@scott-scott.com
Carmen A. Medici (CA 248417)
cmedici@scott-scott.com
Hal D. Cunningham (CA 243048)
hcunningham@scott-scott.com
Patrick J. Rodriguez (*pro hac vice*)
prodiguez@scott-scott.com
Daniel J. Brockwell (CA 335983)
dbrockwell@scott-scott.com
600 W. Broadway, Suite 3300
San Diego, CA 92101
Tel.: (619) 233-4565

29 MAXIMILIAN KLEIN, et al.,

30 Plaintiffs,

31 v.

32 META PLATFORMS, INC.,

33 Defendant.

34 Case No. 3:20-cv-08570-JD

35 Hon. James Donato

36 **DECLARATION OF YAVAR BATHAEE
37 IN SUPPORT OF ADVERTISER
38 PLAINTIFFS' OPPOSITION TO
39 DEFENDANT META PLATFORMS,
40 INC.'S MOTION FOR SUMMARY
41 JUDGMENT**

42 Hearing Date: To Be Determined
43 Hearing Time: To Be Determined

1 I, Yavar Bathaee, declare as follows:

2 1. I am an attorney admitted to practice in the United States District Court for the
3 Northern District of California as well as in the highest courts of New York and California, among
4 other jurisdictions. I am a partner at Bathaee Dunne LLP and co-lead counsel for the Advertiser
5 Plaintiffs and proposed classes in the above-captioned matter. I submit this declaration in support of
6 Plaintiff's Opposition to Defendant Meta Platforms, Inc.'s Motion for Summary Judgment.

7 2. Attached hereto as ***Exhibit 8*** is a true and correct copy of certain excerpts of Meta's
8 Deposition of Advertisers' expert Michael Williams, dated June 12, 2024.

9 3. Attached hereto as ***Exhibit 9*** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-003715500.

11 4. Attached hereto as ***Exhibit 10*** is a true and correct copy of a document produced by
12 Meta in this litigation bearing the Bates-stamp PALM-002013980.

13 5. Attached hereto as ***Exhibit 11*** is a true and correct copy of a document produced by
14 Meta in this litigation bearing the Bates-stamp PALM-014096958.

15 6. Attached hereto as ***Exhibit 12*** is a true and correct copy of a document produced by
16 Meta in this litigation bearing the Bates-stamp PALM-006148514.

17 7. Attached hereto as ***Exhibit 13*** is a true and correct copy of a document produced by
18 Meta in this litigation bearing the Bates-stamp PALM-011630850 and marked Plaintiffs' Exhibit
19 2857.

20 8. Attached hereto as ***Exhibit 14*** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-010629831 and marked Plaintiffs' Exhibit 414.

22 9. Attached hereto as ***Exhibit 15*** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-012863799 and marked Plaintiffs' Exhibit
24 2256.

25 10. Attached hereto as ***Exhibit 16*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-012991649 and marked Plaintiffs' Exhibit
27 2991.

1 11. Attached hereto as ***Exhibit 17*** is a true and correct copy of a document produced by
2 Meta in this litigation bearing the Bates-stamp PALM-011683732 and marked Plaintiffs' Exhibit 26.

3 12. Attached hereto as ***Exhibit 18*** is a true and correct copy of a document produced by
4 Meta in this litigation bearing the Bates-stamp PALM-016564834 and marked Plaintiffs' Exhibit
5 2255.

6 13. Attached hereto as ***Exhibit 19*** is a true and correct copy of a document produced by
7 Meta in this litigation bearing the Bates-stamp PALM-005538382 and marked Plaintiffs' Exhibit
8 2984.

9 14. Attached hereto as ***Exhibit 20*** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-004966274 and marked Plaintiffs' Exhibit
11 2861.

12 15. Attached hereto as ***Exhibit 21*** is a true and correct copy of a document produced by
13 Meta in this litigation bearing the Bates-stamp PALM-004966275 and marked Plaintiffs' Exhibit
14 2862.

15 16. Attached hereto as ***Exhibit 22*** is a true and correct copy of a document produced by
16 Snap Inc. (“Snap”) in this litigation bearing the Bates-stamp SNAP – FTC – No. 191-0134 –
17 0000051023.

18 17. Attached hereto as ***Exhibit 23*** is a true and correct copy of certain excerpts of the
19 Deposition of David Levenson, dated May 10, 2023.

20 18. Attached hereto as ***Exhibit 24*** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-014640328 and marked Plaintiffs' Exhibit 557.

22 19. Attached hereto as ***Exhibit 25*** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-009631966 and marked Plaintiffs' Exhibit 556.

24 20. Attached hereto as ***Exhibit 26*** is a true and correct copy of a document produced by
25 Meta in this litigation bearing the Bates-stamp PALM-012215990.

26 21. Attached hereto as ***Exhibit 27*** is a true and correct copy of certain excerpts from the
27 Deposition of Sagee Ben-Zedeff, dated May 10, 2023.

22. Attached hereto as ***Exhibit 28*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012927762.

23. Attached hereto as ***Exhibit 29*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012927516 and marked Plaintiffs' Exhibit 116.

24. Attached hereto as ***Exhibit 30*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-012154501.

25. Attached hereto as ***Exhibit 31*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016924589.

26. Attached hereto as ***Exhibit 32*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016606121 and marked Plaintiffs' Exhibit 2215.

27. Attached hereto as ***Exhibit 33*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-016895582 and marked Plaintiffs' Exhibit 1709.

28. Attached hereto as ***Exhibit 34*** is a true and correct copy of a document produced by Meta in this litigation bearing the Bates-stamp PALM-017114236 and marked Plaintiffs' Exhibit 1747

29. Attached hereto as ***Exhibit 35*** is a true and correct copy of a document produced by Netflix in this litigation bearing the Bates-stamp PALM-004290112 and marked Plaintiffs' Exhibit 2858

30. Attached hereto as ***Exhibit 36*** is a true and correct copy of a document produced by Netflix in this litigation bearing the Bates-stamp PALM-008758432 and marked Plaintiffs' Exhibit 2989

31. Attached hereto as ***Exhibit 37*** is a true and correct copy of the Declaration of Shalev Hulio in Support of Motion to Dismiss, Docket No. 45-11, dated April 2, 2020, from the case docket of *WhatsApp et al. v. NSO Group Technologies Ltd. et al.* No. 4:19-cv-07123-PJH (N.D. Cal.).

32. Attached hereto as *Exhibit 38* is a true and correct copy of a true and correct copy of

1 certain excerpts from the Federal Trade Commission’s Deposition of Jacob Andreou, dated May 3,
2 2023, and certain excerpts from the *Klein* Plaintiffs’ Deposition of Jacob Andreou, dated May 3,
3 2023.

4 33. Attached hereto as ***Exhibit 39*** is a true and correct copy of an excerpt from Advertiser
5 Plaintiffs’ Responses and Objections to Defendant Meta Platforms, Inc.’s Fifth Set of Interrogatories
6 to Advertiser Plaintiffs, dated June 20, 2023.

7 34. Attached hereto as ***Exhibit 40*** is a true and correct copy of a document produced by
8 Meta in this litigation bearing the Bates-stamp PALM-009577689.

9 35. Attached hereto as ***Exhibit 41*** is a true and correct copy of a document produced by
10 Meta in this litigation bearing the Bates-stamp PALM-006466490.

11 36. Attached hereto as ***Exhibit 42*** is a true and correct copy of a document produced by
12 Meta in this litigation bearing the Bates-stamp PALM-006466493.

13 37. Attached hereto as ***Exhibit 43*** is a true and correct copy of a document produced by
14 Meta in this litigation bearing the Bates-stamp PALM-006466512.

15 38. Attached hereto as ***Exhibit 44*** is a true and correct copy of a document produced by
16 Meta in this litigation bearing the Bates-stamp PALM-006466516.

17 39. Attached hereto as ***Exhibit 45*** is a true and correct copy of a document produced by
18 Meta in this litigation bearing the Bates-stamp PALM-006466536.

19 40. Attached hereto as ***Exhibit 46*** is a true and correct copy of a document produced by
20 Meta in this litigation bearing the Bates-stamp PALM-006466542.

21 41. Attached hereto as ***Exhibit 47*** is a true and correct copy of a document produced by
22 Meta in this litigation bearing the Bates-stamp PALM-008914337.

23 42. Attached hereto as ***Exhibit 48*** is a true and correct copy of a document produced by
24 Meta in this litigation bearing the Bates-stamp PALM-FTC-00247120.

25 43. Attached hereto as ***Exhibit 49*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-002014449.

27 44. Attached hereto as ***Exhibit 50*** is a true and correct copy of a document produced by
28

1 Meta in this litigation bearing the Bates-stamp PALM-008914013.

2 45. Attached hereto as ***Exhibit 51*** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM-008913595.

4 46. Attached hereto as ***Exhibit 52*** is a true and correct copy of a document produced by
5 Meta in this litigation bearing the Bates-stamp PALM-008913597.

6 47. Attached hereto as ***Exhibit 53*** is a true and correct copy of a document produced by
7 Meta in this litigation bearing the Bates-stamp PALM-008913870.

8 48. Attached hereto as ***Exhibit 54*** is a true and correct copy of a document produced by
9 Meta in this litigation bearing the Bates-stamp PALM-008913871.

10 49. Attached hereto as ***Exhibit 55*** is a true and correct copy of a document produced by
11 Meta in this litigation bearing the Bates-stamp PALM-008913874.

12 50. Attached hereto as ***Exhibit 56*** is a true and correct copy of a document produced by
13 Meta in this litigation bearing the Bates-stamp PALM-008913898.

14 51. Attached hereto as ***Exhibit 57*** is a true and correct copy of a document produced by
15 Meta in this litigation bearing the Bates-stamp PALM-002014487.

16 52. Attached hereto as ***Exhibit 58*** is a true and correct copy of a document produced by
17 Meta in this litigation bearing the Bates-stamp PALM-004952173.

18 53. Attached hereto as ***Exhibit 59*** is a true and correct copy of a document produced by
19 Meta in this litigation bearing the Bates-stamp PALM-000179225.

20 54. Attached hereto as ***Exhibit 60*** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-FTC-00246387.

22 55. Attached hereto as ***Exhibit 61*** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-004839673 and marked Plaintiffs' Exhibit
24 1322.

25 56. Attached hereto as ***Exhibit 62*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-FTC-00123557.

27 57. Attached hereto as ***Exhibit 63*** is a true and correct copy of a document produced by

1 Meta in this litigation bearing the Bates-stamp PALM-012438844.

2 58. Attached hereto as ***Exhibit 64*** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM-002014263.

4 59. Attached hereto as ***Exhibit 65*** is a true and correct copy of a document produced by
5 Meta in this litigation bearing the Bates-stamp PALM-ADI-0001000836.

6 60. Attached hereto as ***Exhibit 66*** is a true and correct copy of certain excerpts of the
7 Deposition of Jacqueline Chang, dated April 25, 2023.

8 61. Attached hereto as ***Exhibit 67*** is a true and correct copy of a document produced by
9 Meta in this litigation bearing the Bates-stamp PALM-014453465.

10 62. Attached hereto as ***Exhibit 68*** is a true and correct copy of a document produced by
11 Meta in this litigation bearing the Bates-stamp PALM-014466582 and marked Plaintiffs' Exhibit
12 1709.

13 63. Attached hereto as ***Exhibit 69*** is a true and correct copy of excerpts from page 237-38
14 of the Deposition of Stephanie Wang, dated March 28, 2023.

15 64. Attached hereto as ***Exhibit 70*** is a true and correct copy of a document produced by
16 Meta in this litigation bearing the Bates-stamp PALM-014459701 and marked Plaintiffs' Exhibit
17 1295.

18 65. Attached hereto as ***Exhibit 71*** is a true and correct copy of a document produced by
19 Meta in this litigation bearing the Bates-stamp PALM-013460550.

20 66. Attached hereto as ***Exhibit 72*** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-003435349 and marked Plaintiffs' Exhibit
22 1711.

23 67. Attached hereto as ***Exhibit 73*** is a true and correct copy of a document produced by
24 Meta in this litigation bearing the Bates-stamp PALM-016506616 and marked Plaintiffs' Exhibit
25 1712.

26 68. Attached hereto as ***Exhibit 74*** is a true and correct copy of a document produced by
27 Meta in this litigation bearing the Bates-stamp PALM- 003251883 and marked Plaintiffs' Exhibit
28

1 1922.

2 69. Attached hereto as ***Exhibit 75*** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM- 006209593 and marked Plaintiffs' Exhibit
4 1921.

5 70. Attached hereto as ***Exhibit 76*** is a true and correct copy of a document produced by
6 Google in this litigation bearing the Bates-stamp GOOG-META-01836744 and marked Plaintiffs'
7 Exhibit 1263.

8 71. Attached hereto as ***Exhibit 77*** is a true and correct copy of a document produced by
9 Google in this litigation bearing the Bates-stamp PALM-013762328 and marked Plaintiffs' Exhibit
10 183.

11 72. Attached hereto as ***Exhibit 78*** is a true and correct copy of excerpts from pages 207-
12 08 and 221 of the Deposition of Stephanie Wang, dated March 28, 2023.

13 73. Attached hereto as ***Exhibit 79*** is a true and correct copy of a document produced by
14 Google in this litigation bearing the Bates-stamp GOOG-META-01853076 and marked Plaintiffs'
15 Exhibit 1267.

16 74. Attached hereto as ***Exhibit 80*** is a true and correct copy of a document produced by
17 Google in this litigation bearing the Bates-stamp GOOG-META-02833187 and marked Plaintiffs'
18 Exhibit 1269.

19 75. Attached hereto as ***Exhibit 81*** is a true and correct copy of a document produced by
20 Meta in this litigation bearing the Bates-stamp PALM-011831146.

21 76. Attached hereto as ***Exhibit 82*** is a true and correct copy of a document produced by
22 Meta in this litigation bearing the Bates-stamp PALM-006289050.

23 77. Attached hereto as ***Exhibit 83*** is a true and correct copy of a document produced by
24 Meta in this litigation bearing the Bates-stamp PALM-016986654.

25 78. Attached hereto as ***Exhibit 84*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-008174450 and marked Plaintiffs' Exhibit 608.

27 79. Attached hereto as ***Exhibit 85*** is a true and correct copy of a document produced by

1 Netflix in this litigation bearing the Bates-stamp NFLX-001590 and marked Plaintiffs' Exhibit 607.

2 80. Attached hereto as ***Exhibit 86*** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM-003040610.

4 81. Attached hereto as ***Exhibit 87*** is a true and correct copy of a document produced by
5 Meta in this litigation bearing the Bates-stamp PALM-006842466.

6 82. Attached hereto as ***Exhibit 88*** is a true and correct copy of a document produced by
7 Netflix in this litigation bearing the Bates-stamp NFLX-001586 and marked Plaintiffs' Exhibit 614.

8 83. Attached hereto as ***Exhibit 89*** is a true and correct copy of a document produced by
9 Netflix in this litigation bearing the Bates-stamp NFLX-001583 and marked Plaintiffs' Exhibit 605.

10 84. Attached hereto as ***Exhibit 90*** is a true and correct copy of a document produced by
11 Meta in this litigation bearing the Bates-stamp PALM-003207836 and marked Plaintiffs' Exhibit 606.

12 85. Attached hereto as ***Exhibit 91*** is a true and correct copy of a document produced by
13 Meta in this litigation bearing the Bates-stamp PALM-016919272.

14 86. Attached hereto as ***Exhibit 92*** is a true and correct copy of a document produced by
15 Meta in this litigation bearing the Bates-stamp PALM-013499085.

16 87. Attached hereto as ***Exhibit 93*** is a true and correct copy of a document produced by
17 Meta in this litigation bearing the Bates-stamp PALM-003130963.

18 88. Attached hereto as ***Exhibit 94*** is a true and correct copy of a document produced by
19 Meta in this litigation bearing the Bates-stamp PALM-008530029.

20 89. Attached hereto as ***Exhibit 95*** is a true and correct copy of a document produced by
21 Meta in this litigation bearing the Bates-stamp PALM-014546138 and marked Plaintiffs' Exhibit 412.

22 90. Attached hereto as ***Exhibit 96*** is a true and correct copy of a document produced by
23 Meta in this litigation bearing the Bates-stamp PALM-012193982 and marked Plaintiffs' Exhibit
24 1926.

25 91. Attached hereto as ***Exhibit 97*** is a true and correct copy of a document produced by
26 Meta in this litigation bearing the Bates-stamp PALM-012215990.

27 92. Attached hereto as ***Exhibit 98*** is a true and correct copy of a document produced by

1 Meta in this litigation bearing the Bates-stamp PALM-005605669.

2 93. Attached hereto as ***Exhibit 99*** is a true and correct copy of a document produced by
3 Meta in this litigation bearing the Bates-stamp PALM-010434436.

4 94. Attached hereto as ***Exhibit 100*** is a true and correct copy of a document produced by
5 Meta in this litigation bearing the Bates-stamp PALM-014317772 and marked Plaintiffs' Exhibit 119.

6 95. Attached hereto as ***Exhibit 101*** is a true and correct copy of certain excerpts of the
7 Deposition of Jay Parikh, dated March 9, 2023.

8 96. Attached hereto as ***Exhibit 102*** is a true and correct copy of Meta Platforms, Inc.'s
9 Supplemental Objections and Responses to Advertiser Plaintiffs' First Set of Requests for Admission
10 (Nos. 3 and 4).

11 97. Attached hereto as ***Exhibit 103*** is a true and correct copy of certain excerpts of the
12 Deposition of Tilman Klumpp, dated March 5, 2024.

13 98. Attached hereto as ***Exhibit 104*** is a true and correct copy of certain excerpts of the
14 Deposition of Markus Jakobsson, dated February 22, 2024.

15 99. Attached hereto as ***Exhibit 105*** is a true and correct copy of a letter from Brian Dunne
16 to Sonal Mehta, dated May 13, 2023.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on January
18 29, 2025, in Sherman, Texas.

19 /s/ Yavar Bathaee

20 Yavar Bathaee

EXHIBITS 8-105
[FILED UNDER SEAL]